

Havering Housing Services Unacceptable Behaviour Policy 2024

V1

Document Control

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1. Purpose and Scope

This policy applies to all staff, including those on secondment, and agency staff. Where necessary relevant information will also be shared with our partner contractors to protect their Health and Safety in accordance with the data protection legislation. Staff and Partner contractors are required to report any unacceptable behaviour related incidents to Havering Council, these will be investigated and where necessary appropriate action will be taken. Support will also be offered through the policy to involved residents if they experience unacceptable behaviour as part of their involvement.

2. Policy Objectives

LBH Housing services is committed to putting in place services that truly place 'residents at the heart'. That is why we have Customer Service Standards which clearly state that we will deal with all residents respectfully and sensitively. In the same way, LBH Housing services has a duty of care to all our staff and partner contractors to ensure that they can work in a safe, non-threatening environment in which they are also treated with respect. Our staff and contractors need to be able to carry out their duties without the fear of unacceptable behaviour. LBH Housing services has a zero tolerance policy with regards to abusive, racist, sexist or homophobic behaviour directed against any of our staff or contractors. We will also deem vexatious or persistent behaviour from complainants as unacceptable behaviour.

3. Policy Aims

The aims of this policy are:

- To clarify what we consider as being unacceptable behaviour
- To document our approach towards preventing unacceptable behaviour
- To deal fairly, honestly, consistently and appropriately with all who's actions LBH Housing services consider to be unacceptable
- To provide effective and appropriate support to victims of unacceptable behaviour
- To ensure all incidents are reported and recorded
- To set out when restrictions, changes in access to services or legal remedies may be applied in the event of an incident of unacceptable behaviour.

4. Definitions

LBH Housing services has defined that behaviour which can cause distress to someone through offence, embarrassment, fear or unreasonable contact will be defined as unacceptable behaviour. This type of behaviour can be perpetrated in one of the following methods:

- Non-violent unacceptable behaviour
- Violent unacceptable behaviour
- Vexatious or persistent behaviour.

5. Non-violent unacceptable behaviour

Non-violent unacceptable behaviour is behaviour which can cause alarm or distress without the use of physical violence. Examples of this type of behaviour are:

- A threat of violence, which is not delivered in an aggressive manner, towards a

representative of LBH Housing services.

- Language that is discriminatory towards a representative of LBH Housing Services.
- Lewd behaviour
- Intimidating behaviour towards a representative of LBH Housing services.
- Excessive swearing or foul language directed at a representative of LBH Housing services.

6. Violent behaviour

Violent behaviour is a threat of physical force or the use of actual physical force against one or more people. Examples of this type of behaviour are:

- A threat of violence, which is delivered in an aggressive manner, towards a representative of LBH Housing services
- An assault on a representative of LBH Housing services.
- Violence against people and property.

7. Vexatious or persistent behaviour

Vexatious or persistent behaviour is when a person, due to the frequency or nature of their contact, makes it harder for LBH Housing Services to consider their complaint or refuses to accept a duly considered outcome from their complaint. Examples of this type of behaviour are:

- repeated complaints that are without sufficient grounds
- Persistently writing letters that are without basis
- Trivial complaints that have clearly not caused the complainant any injustice
- Unreasonable frequency of contact with the business
- refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
- residents that send round robin letters to elected members or contact various members of staff in LBH Housing Services other service areas to undermine the decision making process
- requesting meetings with staff and then repeatedly postponing or cancelling these without reasonable excuse
- Electronically recording meetings and conversations without prior knowledge and consent of the staff involved.

8. How Unacceptable behaviour can be committed:

- In writing
- By email
- During a telephone call
- Verbally, face-to-face
- Or a combination of any of the above.

These incidents can occur:

- In offices
- On estates, within the borough of Havering
- Whilst travelling to appointments on behalf of LBH Housing services, in the form of road rage.

Language is considered abusive when it contains sexist, racist or homophobic comments, threatens acts of violence, is intimidatory or includes persistent bad language and swearing directed at a member of staff or contractor.

9. Responsibility

The responsibility for undertaking a thorough investigation into reported incidents of unacceptable behaviour lies with the Service Manager of the staff member affected.

They will look into the incident and decide if an unacceptable behaviour warning code or further action is warranted. The definitions of the unacceptable warning codes are an Appendix to the Unacceptable Behaviour Procedures. The responsibility for administration of the six monthly review meetings and the unacceptable warning codes data lies with the Anti-Social Behaviour Team. Overall, corporate responsibility for ensuring this policy is implemented correctly lies with the Director of Housing and Property.

10. Equality and Diversity

LBH Housing services is committed to providing fair and equal treatment for all its residents and will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health. LBH Housing services recognise that in times of trouble or distress people may act out of character and understand that a person's actions may be affected by mental health, substance misuse or other factors associated with lifestyle issues. We will take all factors into consideration when implementing this policy.

The procedures associated with this policy have been drafted in accordance with the Equalities Act of 2010.

11. How we will identify unacceptable behaviour

There are a number of ways that we may identify unacceptable behaviour:

- From the Lettings team and / or the homelessness team during the lettings process
- information provided by a third party following an incident through the usual housing management process e.g. the Police, previous social housing landlord, etc
- Through direct contact with the resident

Sharing of information in this way is in accordance with the current inter agency protocols and does not affect a residents statutory rights under data protection.

12. Preventing incidents from occurring

LBH Housing services expect all staff and partners to take appropriate action to prevent incidents from occurring, wherever possible. This includes:

- staff ensuring that they review the housing system, before carrying out visits to any resident, to make sure they are fully aware of any adjustments or extra precautions they should take
- staff raising job orders for our partner contractors are to ensure that the job ticket has the appropriate notes including the need to make adjustments or for extra precautions to be taken by the attending operative
- if a mobile worker is requested to visit a property whilst they are out on site and they are unable to check the housing system, then the person requesting the visit must undertake the relevant checks on the housing system and relay any information to the mobile worker
- line managers advising caretaking staff, who do not have access to the housing system, of any residents they should be cautious of in their working environment.

Risk Assessments. On occasion it will be necessary to carry out an individual risk assessment for an activity such as an eviction or other enforcement activity. The assessment will be planned carefully prior to the visit, with assistance, when necessary, from the Health and Safety Team and external agencies, such as the Police. Lone Working Staff who are lone working should follow the requirements set out in the Lone Working Policy to minimise the risk to their person.

Secure Interview Rooms. The Appointment centre at Town Hall is equipped with secure interview rooms for staff to use where a resident is known to be a potential risk. These rooms are fitted with a panic alarm and are monitored through our internal CCTV system.

Lone working device with personal alarms. Lone working devices that can be activated are available to mobile working staff. These can be used in the event of an incident or threat of an incident. It is the responsibility of officers to ensure they have a Lone working device and that it is working properly.

Third Party Information. LBH Housing services currently receive third party information about some residents that cannot be shared in its entirety on the housing system due to the personal nature of the information. Information supplied by Multi-Agency Public Protection Arrangements (MAPPA) is secure and is an example of this type of information. In these instances the information will be passed directly to the Antisocial Behaviour Officer and / or the Community Safety Manager, who will ensure this information, is confidentially held. Due to the sensitive nature of such information, they may not divulge the information to staff or contractors. They would however state what the appropriate level of contact should be with such residents and any precautions that should be taken by placing an unacceptable behaviour warning code on the housing system.

13. Recording and investigating an Incident.

When a member of staff, a partner contractor or an involved resident is the victim of unacceptable behaviour they must report this to their line manager and complete an Accident, Incident and Near Miss Form, which can be downloaded from the intranet site. A blank example can be found on Appendix 2 to the Unacceptable Behaviour Procedures. This completed form must be returned to the Health and Safety Team.

The line manager is responsible for undertaking a thorough investigation into each unacceptable behaviour incident. Where possible, the investigation will involve:

- identifying the perpetrator
- establishing whether the perpetrator has any history of unacceptable behaviour
- taking statements from the victim(s) and any witnesses
- clarifying the actions that led up to the incident
- compiling follow on actions that need to be taken.

A debriefing meeting should be held to allow staff involved to talk through the incident. This should take place as soon as practicably possible after the incident, ideally on the same day the incident took place. This will allow the manager to begin the investigation process while the incident is still fresh in the victim's memory.

14. What will LBH Housing services do?

Every case will be considered on its own merits. Where information has been received from a third party we will take no action in the first instance other than to advise the resident that LBH Housing services are aware that an incident has occurred and that we may take action should an incident of this type be directed at anyone covered by this policy. LBH Housing services will also provide the resident with a copy of this policy.

Once an alleged incident of unacceptable behaviour against a member of staff, a partner contractor or an involved resident has been investigated and the behaviour has been deemed as non-violent, violent or vexatious unacceptable behaviour, LBH Housing services will follow the appropriate process as outlined in the procedures accompanying this policy. In all cases of unacceptable behaviour we will:

- tell the perpetrator in writing, unless we are aware of a residents need for an alternative media, why LBH Housing services find their behaviour unacceptable
- ask them to change their behaviour
- take action to restrict the resident's contact with our staff if the unacceptable behaviour continues. This may result in a reduced level of service and could mean the resident having to contact with LBH Housing services in writing only or through a joint tenant or family member
- put an unacceptable warning code against the resident's name on the housing system to show the resident's behaviour might constitute a risk to staff.

LBH Housing services also reserve the right, in specific incidents, to:

- tell the resident why LBH Housing services find their behaviour unacceptable and terminate the current means of communication if this behaviour does not cease
- escalate the case if the resident becomes a repeat offender and shows no sign of changing their behaviour
- report incidents to the Police
- pursue all legal remedies if we deem the behaviour serious enough to take action against the resident's tenancy, or leasehold agreement, or to take an injunction out against the resident.

Specifically in cases of Vexatious Unacceptable Behaviour LBH Housing services will make sure that any complaint has been, or is being dealt with appropriately before taking any action. Should a complainant raise any queries or criticisms that are related to the progress of the complaint, such as when agreed timescales have not been met, this will not lead to the complainant being considered, or to have acted in, a persistent or vexatious manner.

Restrictions The decision to restrict access to our offices and staff or services will be taken by the Service Manager whose staff were involved in the incident. This may be in consultation with the Health and Safety Team and in most cases will not be done without giving the resident an opportunity to change their behaviour. In cases where our contractors are the victim the relevant Service Manager, who is responsible for liaising with the contractors, will make a decision as to whether to restrict services.

In cases of Vexatious Unacceptable Behaviour, the decision to restrict access will only be taken by the Assistant Director Housing Operations / Assistant Director Housing, Property and Assets or their equivalent. This is to ensure that we have dealt with all the issues relating to the perpetrator's complaint fully and that their response is indeed vexatious. Any restrictions imposed will be appropriate to the level of behaviour demonstrated by the resident and an unacceptable warning code put onto the housing system.

It will apply for a period of six months in the first instance with the possibility of extending this up to 12 months or more. All cases will be reviewed twice a year.

The restrictions we are most likely to consider are:

- requesting contact in a particular form (for example letters or email only)
- requiring contact to take place with a named officer or through a third party
- restricting telephone calls to specified days and times
- returning documentation or correspondence with a warning that all future irrelevant documentation will be destroyed
- asking the resident to enter into an agreement about their conduct
- ceasing any responses to communications other than for statutory obligations of LBH Housing services as the landlord

- ensuring visits / interviews with the resident are attended by two officers
- appropriate legal remedies
- any other action deemed appropriate.

Should the resident ignore warning letters and a restriction of services we may decide to terminate all personal contact with them and look at whether legal intervention is appropriate. This could include an injunction against the resident or action against their tenancy or lease agreement.

Unacceptable Behaviour caused by another member of staff Where a member of staff states that they have experienced unacceptable behaviour from another member of staff, this will be investigated through the internal Disciplinary Policy.

15. Reviewing and closing a case

A decision to take action or restrict contact may be reconsidered if the resident demonstrates a more acceptable approach. The decision will be made by the Assistant Director of Housing Operations at the six month review or at any time. The decision making role in this process can be delegated to the Housing Services Manager.

A case will be considered closed when the unacceptable behaviour has ceased and we have notified the resident accordingly. The housing system will be updated to show that the code has been removed, however all historical case notes will be kept on the system. This information will be retained for future reference.

16. Appealing a decision to restrict contact

A resident can appeal a decision to restrict contact. An appeal can be made in writing, verbally, by email or telephone. This would be dealt with in line with our Complaints and Compliments Policy. In cases of vexatious behaviour, decisions to restrict contact which are made by the Assistant Director of Housing Operations / Assistant Director Housing, Property and Assets, cannot be appealed against. Such residents reserve the right to complain to the Local Government Ombudsman.

17. Training and awareness

LBH Housing services will ensure that all staff and governing body Members are aware of the Unacceptable Behaviour Policy as part of induction procedures for new staff and Members and through policy review updates. All staff will receive appropriate training. Awareness updates will be available to ensure this policy is embedded within the organisation.

18. Performance monitoring

We will report on a 6-monthly basis to the internal Health and Safety Board. The information reported will include:

- The number of residents subject to unacceptable behaviour actions and restrictions
- The number of restrictions by type of 'U' code
- Demographic information of residents displaying unacceptable behaviour, by age, gender, ethnicity, geographical location etc.

19. Confidentiality

All information given by residents in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission with the exception of agencies with which LBH Housing services has an information sharing protocol. LBH Housing services will comply with the requirements of the Access to

Personal Files Act 1987 and the Data Protection Act 1998 in this regard. Information and data relating to unacceptable behaviour will be stored in LBH Housing management system, which is confidential and password protected.

When data relating to resident's unacceptable behaviour is added, a review date of the data is scheduled in 6-months. At that point the data is reviewed and will either be terminated or extended for a further 6-months.

Related policy to be read in conjunction - Staff Whistleblowing policy.

20. Implementation

To achieve the objectives of this policy, we will during 2024- 2025:

21. Compliance and Monitoring

Compliance with this policy will be monitored by periodic reviews of case records by the relevant service lead.

Develop a Suite of KPI's to track caseloads, referrals, and outcomes

Any resident who receives support via a support plan, will have it reviewed annually to ensure it remain fit for purpose.

Appendix A– Unacceptable Warning Codes

U1 - Can be visited alone but with caution as resident can be verbally abusive

U2 - Two person visits only – doesn't matter whether males or females

U3 - Two person visits all male only

U4 - Two person visits all female only

U5 - Do not visit at home at all (in exceptional cases). Where there is a need to visit for statutory or emergency reasons, ensure there is police presence

U6 - Can only contact in writing, phone contact not allowed

U7 - Contact can only through a named officer or third party (e.g. Social Services, Mental Health team, etc.)

U8 - Asking resident to enter into an agreement about their conduct

U9 - Banned from visiting any LBH Housing services office

WLTR - Warning letter only

OTH - Consult Housing management system notes – when we are taking a combination of actions e.g. not visiting at home + banned from the office.